



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,366	12/09/1999	RONALD M. EVANS	SALK2270-2	8768

7590 12/17/2001

Stephen E. Reiter
Gray Cary Ware & Freidenrich LLP
4365 EXECUTIVE DRIVE
SUITE 1600
SAN DIEGO, CA 92121

EXAMINER

WOITACH, JOSEPH T

ART UNIT	PAPER NUMBER
----------	--------------

1632

22

DATE MAILED: 12/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

See Attachment

File

Interview SummaryApplication No.
09/458,366Applicant(s)
Evans, R. M.Examiner
Joseph T. WeitachGroup Art Unit
1632

All participants (applicant, applicant's representative, PTO personnel):

(1) Joseph T. Weitach(3) Stanley Kim(2) Stephen E. Reiter(4) Polly MurphyDate of Interview Dec 13, 2001Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:Claim(s) discussed: pending claims

Identification of prior art discussed:

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Issues regarding 112, first paragraph, enablement were discussed. First, Examiner indicated that the SXR protein taught in the specification inherently had all the properties recited in the claim, and that it is not necessary to describe these protein properties unless they were unexpected or are important in the resulting phenotype. With regard to the breadth of any promoter or liver specific promoters, Examiner indicated that the albumin promoter is a strong almost constitutive promoter in the liver, and that it is not clear that other weaker promoters or liver specific promoters expressed at various times/locations will result in the same phenotype. After discussion of other lines of mice made with SXR, it was suggested that evidence demonstrating a range in expression results in the same phenotype for SXR, in view of arguments with art demonstrating that different liver specific promoters used to drive the same transgene resulting in the same phenotype may be found persuasive for breadth to liver-specific promoter.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.